

# EXHIBIT C

BP-A0304  
JAN 17

## DISCIPLINE HEARING OFFICER REPORT

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

Institution: FCI Otisville	Incident Report number: 3280455	
NAME OF INMATE: McFarland, William	REG. NO.: 91186-054	UNIT: Camp
Date of Incident Report: 7-17-2019	Offense Code: 108 & 313	
Date of Incident: 7-17-2019		

Summary of Charges: Possession, manufacture, or introduction of a hazardous tool; hacksaw blade, body armor, maps, handmade rope, or other escape paraphernalia, portable telephone, pages, or other electronic device & Lying or providing a false statement to a staff member

## I. NOTICE OF CHARGE(S)

A. Advanced written notice of charge (copy of Incident Report) was given to inmate on (date) 7-18-2019 at (time) 10:00 a.m. (by staff member) [REDACTED] Lieutenant.

B. The DHO Hearing was held on (date) 9-12-2019 at (time) 0950.

C. The inmate was advised of the rights before the DHO by (staff member): [REDACTED], Counselor on (date) 7-20-2019 and copy of the advisement of rights form is attached.

## II. STAFF REPRESENTATIVE

A. Inmate waived right to staff representative. Yes X No     .

B. Inmate requested staff representative and N/A appeared.

C. Staff Representative statement: N/A

D. Requested staff representative declined or could not appear but inmate was advised of option to postpone hearing to obtain another staff representative with the result that: (New Staff Representative Name) N/A was selected.

E. Staff representative N/A was appointed.

## III. PRESENTATION OF EVIDENCE

A. Inmate X (admits)      (denies)      (neither) the charge(s).

B. Summary of inmate statement: Inmate McFarland stated that he was ready to proceed. He requested no staff representative, no witnesses, and he stated that he understood his rights before the DHO. He stated that he received his copy of the Incident Report. Inmate McFarland stated the incident report is true as written. He stated that he knew he was wrong. This is the best thing that happened to me. I was wrong.

## C. Witnesses:

1. Inmate waived right to witness. Yes X No     

2. The following persons were called as witness at this hearing and appeared (Each witness name and statement listed below): N/A

3. The following persons requested were not called for the reason(s) given (Each witness name and statement listed below): N/A

4. Unavailable witnesses were requested to submit written statements and those statements received were considered (Each witness name and statement listed below). N/A

D. Documentary Evidence: In addition to the Incident Report and Investigation, the DHO considered the following documents: Photographic Evidence.

E. Confidential information was used by DHO in support of his findings, but was not revealed to the inmate. The confidential information was documented in a separate report. The confidential information has been (confidential informants have been) determined to be reliable because: N/A

## IV. FINDINGS OF THE DHO

     A. The act was committed as charged.

X B. The following act was committed:

108

     C. No prohibited act was committed:

     D. Expunge according to Inmate Discipline PS.

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Name of Inmate:  
McFarland, WilliamReg. No.:  
91186-054Hearing Date:  
9-12-2019

V. SPECIFIC EVIDENCE RELIED ON TO SUPPORT FINDINGS (Physical evidence, observations, written documents, etc.): Your due process rights were read and reviewed by the DHO at the time of the hearing. You stated that you understood your rights, and had no documentary evidence to present. You requested no witnesses or staff representative. You indicated that you were ready to proceed with the hearing.

The DHO found that you committed the act of Possession, manufacture, or introduction of a hazardous tool; electronic device, Codes 108. In finding you committed this prohibited act, the DHO relied upon the Photographic Evidence and the reporting officer's statement that on July 17, 2019, at approximately 6:30 a.m., the writer stated he conducted a random shakedown of cube [REDACTED] within Unit [REDACTED]. You and [REDACTED] are assigned to cube [REDACTED]. While conducting his shakedown he opened the locker assigned to you and noticed an empty oatmeal box that is used for storage and was taped to the right side of the locker door. He noticed a black ink pen inside of the oatmeal box and unscrewed it from the middle. When he opened the ink pen he noticed a USB port on one end that allows USB devices to be connected to each other. He then asked you what is this and you stated, "I don't know I found it at work." After completing the shakedown he paged you to the unit officer's station, and at this time you stated, "I'm sorry I brought that when I transferred from Brooklyn." He then ask you what is this used for and you stated, "It is used for recording."

You admitted to the DHO that you committed the prohibited act of Possession, manufacture, or introduction of a hazardous tool; electronic device, Codes 108. The DHO took your testimony and the attached evidence into consideration in finding that you committed the prohibited act.

VI. SANCTION OR ACTION TAKEN (List each prohibited act with respective sanctions for that act):  
DIS GCT, 40 Days, from Comp 010, PLRA  
Disciplinary Segregation: 40 Days  
Loss of Privileges: Phone, 90 Days

## VII. REASON FOR EACH SANCTION OR ACTION TAKEN:

Possession, manufacture, or introduction of a hazardous tool; electronic device, Code 108, reveals your willingness to break the rules for your own personal satisfaction. Misbehavior of this nature impairs staffs' ability to maintain a safe and secure facility and will not be tolerated. This type of behavior cannot be tolerated, because to do so would lessen staff's ability to maintain the security and good order of the institution. The sanctions were imposed to punish you for your misconduct, to place a significant impact on your future behavior, and to deter this type of behavior within a correctional institution. The sanction of Loss of Good Conduct time and disciplinary segregation was intended as punishment. The sanction of loss of privileges was meant to emphasize the scope and consequence of the behavior.

VIII. APPEAL RIGHTS: X The inmate has been advised of the findings, specific evidence relied on action and reasons for the action. The inmate has been advised of the right to appeal this action within 20 calendar days under the Administrative Remedy Procedure. A copy of this report has been given to the inmate.

## IX. Discipline Hearing Officer

Printed Name

Signature

Date

9-12-2019

DHO report delivered to Inmate by:

Signature

Printed Name (Staff)

Date and Time:

NERBE \* INMATE DISCIPLINE DATA \* 04-21-2020  
PAGE 001 OF 001 \* CHRONOLOGICAL DISCIPLINARY RECORD \* 10:58:45

REGISTER NO: 91186-054 NAME...: MCFARLAND, WILLIAM  
FUNCTION...: PRT FORMAT: CHRONO LIMIT TO \_\_\_\_ MOS PRIOR TO 04-21-2020

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REPORT NUMBER/STATUS.: 3280455 - SANCTIONED INCIDENT DATE/TIME: 07-17-2019 1830  
DHO HEARING DATE/TIME: 09-12-2019 0950 DHO REPT DEL: 09-15-2019 0848

FACL/CHAIRPERSON.....: [REDACTED]  
REPORT REMARKS.....: I/M ADMITTED TO THE CHARGE.

108 POSSESSING A HAZARDOUS TOOL - FREQ: 1 ATI: EYD RFP: D  
DIS GCT / 40 DAYS / CS  
COMP:010 LAW:P  
DS / 40 DAYS / CS  
FROM: 09-12-2019 THRU: 10-21-2019  
COMP: LAW:  
LP PHONE / 90 DAYS / CS  
FROM: 09-12-2019 THRU: 12-10-2019  
COMP: LAW:

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REPORT NUMBER/STATUS.: 3254121 - SANCTIONED INCIDENT DATE/TIME: 05-08-2019 0950  
UDC HEARING DATE/TIME: 05-10-2019 1130

FACL/UDC/CHAIRPERSON.: [REDACTED]  
REPORT REMARKS.....: UDC FINDS INMATE COMITTED PROHIBITED ACT BASED UPON  
INMATES OWN ADMISSION

317 FAILING TO FOLLOW SAFETY REGS - FREQ: 1  
LP EMAIL / 60 DAYS / CS  
FROM: 05-10-2019 THRU: 07-08-2019  
COMP: LAW:

G0005 TRANSACTION SUCCESSFULLY COMPLETED - CONTINUE PROCESSING IF DESIRED



## Federal Correctional Institution Otisville, NY

### Photo Sheet

Date of Incident	Time of Incident	Inmate Name	Inmate Reg #:
July 17, 2019	6:30 pm	William McFarland	91186-054
Description		Description of Photo:	
USB Flash Drive Pen		Black Pen with a USB Flash Drive in the Upper Portion	
Picture Taken By (Print/Sign):		Date/Time Taken:	
[REDACTED]		July 18, 2019 / 7:15 am	





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